



USFR Media Group

May 22, 2006

Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street  
S.W. Room TW-A325  
Washington, D.C. 20554

RE: RFD-TV, MB Docket No. 06-92

Dear Sir,

My name is David M. Cornell II. I am the Executive Vice President of USFR Media Group and the President of the America One Television Network. The America One Television Network supplies programming to over 140 independent broadcast stations across the country in primarily B, C, and D counties. I am writing to you regarding RFD-TV, specifically its *ineligibility* to be carried on channels that the DBS carriers set aside for qualified nonprofit organizations or noncommercial educational entities.

RFD-TV's programming contains commercial advertisements. Many programs carried by RFD-TV have been in the past and are currently essentially infomercials for video sales with direct pitches to consumers to purchase products represented in the programs. The programmers have been asked to essentially "buy-time" in order to promote their commercial video sales and other commercial products. The direct impact of RFD-TV's activities is to remove commercial dollars from advertising supported channels such as America One and its affiliates thereby harming commerce. Far from acting as an educational outlet, RFD-TV directly competes for programming and advertising dollars with networks such as America One.

Both Dish Network and DirecTV have both been made aware of the situation, but claim no ability to exercise control of the content of RFD-TV. Rather than fulfilling its educational mandate, both Dish Network and DirecTV have circumvented the intent of the FCC with the direct involvement of RFD-TV to place a commercial channel in a public interest channel slot. RFD-TV's own web site lists the following tag line at the top: **Finally a 24-hour Television Network for Rural America.** No mention is made of public interest, education, etc. A consumer would not be able to tell this network apart from any competing commercial network.





**USFR Media Group**

The issue is not whether or not RFD-TV's programming has value to America's rural communities, but rather the issue is RFD-TV's hiding behind the guise of a public interest channel. Mr. Gottsch has been afforded an unfair commercial advantage over competing commercial channels by being essentially given his national distribution for free.

When America One first became aware of RFD-TV and Patrick Gottsch was through its HorseTV subsidiary. HorseTV at the time provided programming to RFD-TV. Mr. Gottsch decided he no longer wanted to receive programming from HorseTV. Rather than simply reach an amicable agreement and termination of his arrangement with HorseTV, Mr. Gottsch attempted at every possible turn to infringe on HorseTV's copyright. Based upon first hand conversations with Mr. Gottsch, I can attest if there is a right way that is easier and a wrong way that is more difficult, I feel he will willingly choose the wrong way of doing things. A federal lawsuit had to be filed against Mr. Gottsch. A settlement was reached, but the very next week Mr. Gottsch violated the agreement forcing the parties to repeatedly go back to court to halt his violations. To date, Mr. Gottsch has not paid the judgment levied against him.

Mr. Gottsch has harmed the commercial interests of America One and every other commercial television provider through his inappropriate commercial activities on his public interest channel. I can be reached at the following address if you seek further information:

David M. Cornell II  
President  
America One Television Network  
11150 Equity Drive  
Houston, TX 77041  
(713)826-5019  
[dcornell@usfrmedia.com](mailto:dcornell@usfrmedia.com)

Sincerely,

David M. Cornell II

